

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KRISTINA MIKHAYLOVA,

Plaintiff,

-against-

BLOOMINGDALE’S, INC., BLOOMINGDALE’S,
INC. d/b/a BLOOMINGDALE’S AND FORTY
CARROTS, BLOOMINGDALE’S, LLC,
BLOOMINGDALE’S, LLC d/b/a
BLOOMINGDALE’S NEW YORK, MACY’S,
INC., MACY’S, INC. d/b/a MACY’S OF NEW
YORK, UNITED STOREWORKERS RETAIL,
WHOLESALE AND DEPARTMENT STORE
UNION AFL-CIO LOCAL 3 a/k/a LOCAL 3
UNITED STOREWORKERS RWDSU/UFCW,
DENNIS DIAZ, individually, CHRISTOPHER
CASTELLANI, individually, RICHARD LAW,
individually, and BOBBY BOOKER, individually,

Defendants.

Civil Action No. 1:19-cv-08927-GDB

**DECLARATION OF
MELISSA MENDOZA, ESQ.**

I, MELISSA MENDOZA, of full age, hereby state as follows:

1. I am an attorney at law of the State of New York and admitted to practice before this Court. I am an attorney with the law firm of Derek Smith Law Group, PLLC, the counsel of record for the Plaintiff, Kristina Mikhaylova (“Plaintiff”) in this action. As such, I am fully familiar with the facts and circumstances contained herein.
2. This declaration is submitted in opposition to the Defendants’ Motion for Summary Judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure.
3. Annexed collectively hereto as **Exhibit 1** are true and correct copies of the relevant excerpts from the deposition transcript of Plaintiff.

4. Annexed collectively hereto as **Exhibit 2** are true and correct copies of the relevant excerpts from the deposition transcript of Richard Law.

5. Annexed collectively hereto as **Exhibit 3** are true and correct copies of the relevant excerpts from the deposition transcript of Cathy Younis.

6. Annexed collectively hereto as **Exhibit 4** are true and correct copies of the relevant excerpts from the deposition transcript of Denis Diaz.

7. Annexed collectively hereto as **Exhibit 5** are true and correct copies of the relevant excerpts from the deposition transcript of Christopher Castellani.

8. Annexed collectively hereto as **Exhibit 6** are true and correct copies of the relevant excerpts from the deposition transcript of Fred Becker.

9. Annexed collectively hereto as **Exhibit 7** are true and correct copies of the relevant excerpts from the deposition transcript of Courtney Cox,.

10. Annexed collectively hereto as **Exhibit 8** are true and correct copies of the relevant excerpts from the deposition transcript of Bobby Booker,.

11. Annexed collectively hereto as **Exhibit 9** are true and correct copies of Complaint filed in Southern District of New York by Alla Bershadskaya, Defendants' Document Production, bates numbers BLM 1196-1201.

12. Annexed collectively hereto as **Exhibit 10** are true and correct copies of Defendants' Document Production, bates numbers BLM 22-84, 120, 442, 785, 787, 792-794, 797, 804-806, 1202-1211, 1434, 1516-1535, 1554-1555, 1572, 1576-1577, 1884-1905, 2027-2029.

13. Annexed collectively hereto as **Exhibit 11** are true and correct copies of Plaintiff's Document Production and witness statement from Martha Weh bates MIKHAYLOVA 640-642.

14. Annexed collectively hereto as **Exhibit 12** are true and correct copies of Plaintiff's Document Production, bates MIKHAYLOVA_00154,158-160, 00165,182-191, 211, 525.

15. Annexed collectively hereto as **Exhibit 13** are true and correct copies of Plaintiff's responses to defendants request for admissions dated June 25, 2021.

16. Annexed collectively hereto as **Exhibit 14** are true and correct copies of Defendants Responses to plaintiffs interrogatory requests dated May 12, 2021.

17. Annexed collectively hereto as **Exhibit 15** are true and correct copies of Defendants Responses to plaintiffs document demands dated May 20, 2021.

18. Annexed collectively hereto as **Exhibit 16** are true and correct copies of Defendants Responses to plaintiffs document demands requests dated January 12, 2021.

19. Annexed collectively hereto as **Exhibit 17** are true and correct copies of Demand Letter regarding Angela Kotsovolos, bates BLM 1383-1388.

20. Annexed collectively hereto as **Exhibit 18** are true and correct copies of the Complaint filed in Southern District of New York, Theodora Nikolakopoulos bates BLM 1148-001195.

21. Annexed collectively hereto as **Exhibit 19** are true and correct copies of Order filed in Southern District Court of New York Dismissing

22. Annexed collectively hereto as **Exhibit 20** are true and correct copies of exhibit 19 to be attached BLM001212-001230 - Barry, Abdoul

23. Annexed collectively hereto as **Exhibit 21** are true and correct copies of Defendants Investigation Summaries bates BLM 2224-2225, 2255-2256

24. Annexed collectively hereto as **Exhibit 22** are true and correct copies of Plaintiff's Unemployment Benefits documents, bates BLM 890-916.

25. Annexed collectively hereto as **Exhibit 23** are true and correct copies of Plaintiff's text messages with coworkers, bates MIKHAYLOVA 197-201.

26. Annexed collectively hereto as **Exhibit 24** are true and correct copies of Defendants Position Statement submitted to the Equal Employment Opportunity Commission on June 6, 2019, bates BLM 917-923.

27. Annexed collectively hereto as **Exhibit 25** are true and correct copies of Defendants' Objections to Plaintiff's 30b6 Request, dated March 10, 2022.

28. Annexed collectively hereto as **Exhibit 26** are true and correct copies of Complaint filed in southern District of New York for Heidi Dakter, bates BLM 1202-1211.

Pursuant to 28 U.S.C. §1746(2), I, the undersigned, declare under penalty of perjury that the foregoing is true and correct.

Dated: September 18, 2023
New York, New York

/s/Melissa Mendoza

Melissa Mendoza